



The Attorney General of Texas

July 31, 1979

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nitive Action Employer

Honorable Joe Resweber
Harris County Attorney
1001 Preston, Suite 634
Houston, Texas 77002

Opinion No. MW-36

Re: Authority of the Harris
County Department of Education
to expend tax funds to buy and mail
Christmas cards.

Dear Mr. Resweber:

You have requested our opinion regarding the authority of Harris
County Department of Education to expend tax funds to buy and mail
Christmas cards. Article 3, section 52(a) of the Texas Constitution provides:

Except as otherwise provided by this section, the
Legislature shall have no power to authorize any
county, city, town or other political corporation or
subdivision of the State to lend its credit or to grant
public money or thing of value in aid of, or to any
individual, association or corporation whatsoever, or
to become a stockholder in such corporation,
association or company.

This office has frequently said that, in the absence of an adequate quid
pro quo, a public body has no authority to contribute public funds to or on
behalf of an individual or organization. See Attorney General Opinions
H-1189 (1978) (unconditional donation by county of federal revenue sharing
funds to a private day care center constitutes an improper grant of public
funds); H-520 (1975) (county may not contribute public funds to the
construction of a privately owned and operated livestock show barn); H-397
(1974) (county may not become a dues paying member of a chamber of
commerce); H-70 (1973) (school district may not purchase personal liability
insurance for school trustees); M-661 (1970) (county has no authority to make
a grant of public funds to a religious charitable institution); O-7197 (1946),
O-5563 (1943), O-1001 (1939) (county may not contribute funds to a private
charitable institution).

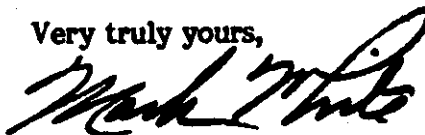
In the present instance, it is not asserted that the county receives any
benefit from the activity you have described. It is therefore our opinion

that article 3, section 52(a) of the Texas Constitution prohibits a county from expending public funds for the purchase and mailing of Christmas cards. See also Tex. Const. art. 8, § 3.

S U M M A R Y

Article 3, section 52(a) and article 8, section 3 of the Texas Constitution prohibits a county from expending public funds for the purchase and mailing of Christmas cards.

Very truly yours,



MARK WHITE
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